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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,294	03/12/2004	Bjorn Paulshus	7822-91660	8246

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,294

Applicant(s)

PAULSHUS, BJORN

Examiner

Ernesto Garcia

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14, 16-19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 12-14, 16-19 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 14, 16-19, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on 04/25/2005. These drawings are acceptable.

Specification

The amendment filed 04/25/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the identification of US application 09/871,608 and the patent application publication 2002/0028112 on page 2 in the amendment to the specification are not supported by the original disclosure. Further, the terms "incorporated herein by reference" on page 3 in the amendment to the specification cannot be used when those same documents were not originally identified. Also, there was no indication that the document, NO 304839, was to be incorporated into the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

The disclosure is objected to because of the following informalities: the type of document being identified by "NO 304839" is not defined, i.e., patent application or patent. Further, the deletion of "GB 1571327 (DE 2700378)" at page 4, line 3, needs to be added and indicate that the US 4,068,963 corresponds to these patents.

Appropriate correction is required.

Priority

It is noted that this application appears to claim subject matter disclosed in prior Application No. US 09/871,609, filed March 6, 1998, and PCT/NO98/00077, filed March 6, 1998. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. Also, the current status of all nonprovisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be

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submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Claim Objections

Claims 12-14, 16-19, and 22 are objected to because of the following informalities:

regarding claims 12-14 and 16-19, these claims need must contain a reference to a claim previously set forth; claims 22 and 23 are not previously set forth claims;

regarding claim 12, "same one said" in line 2 should be deleted; and,

regarding claim 22, "each" in line 9 should be deleted as there is only one conical hole and not respective conical holes. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The examiner is withdrawing the 35 U.S.C 112, first paragraph rejection as the term "aramid fibers" is the generic term for Kevlar®.

Claims 12-14 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the limitation "strands are anchored in their respective holes" in line 2 contradicts line 6 of claim 22, which indicates that the strands are inserted into

a respective hole and not holes. For purposes of examining this claim, the examiner assumes more than one respective hole.

Regarding claims 22-24, the metes and bounds of the claim is unclear. Each claim has set forth that the termination of strands is in a tension member in line 1. Yet, it is unclear whether the tension member is a distinct feature than the strands and the receiving body. According to the abstract, the tension member consists of a plurality of carbon fiber filaments gathered into one or more strands. So, the examiner questions what is in a tension member?

Regarding claims 12-14, the claims depend from claim 23 and therefore are indefinite.

Claim Rejections - 35 USC § 103

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flory, 5,611,636, in view of Brandestini, 4,068,963.

Regarding claim 11, Flory discloses, in Figure 2, a termination of strands in a tension member **30**. The termination of strands comprises the strands **4** and at least one receiving body **12**. The strands consist of fiber filaments selected from a group consisting of carbon fibers **4** or aramid fibers (col. 5, lines 7-8). The fibers **4** have a

lower shear force and durability than steel. The strands are spread apart in a transitional zone 22. Each of the strands in the transitional zone is inserted into a narrow end of a respective conical hole 16. Each of the strands is fixed in relation to the hole **16** by a hardenable mass **72**.

However, Flory fails to disclose a wall of the hole having a slip agent applied thereto. Brandestini teaches, in Figures 1 or 2, a slip agent **50** applied to a wall of a respective hole to act as a suitable friction-reducing agent (col. 2, lines 46-56). Therefore, as taught by Brandestini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a slip agent to the wall of the respective hole to acts as a suitable friction-reducing agent. Applicant should note that the slip agent 50 inherently prevents the hardened mass from adhering to the wall of the respective hole.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulshus, NO304438, in view of Brandestini, 4,068,963.

Regarding claim 11, Paulshus discloses, in Figure 2, a termination of strands in a tension member **10**. The termination of strands comprises the strands **2** and at least one receiving body **3**. The strands **2** consist of fiber filaments selected from a group consisting of carbon fibers or aramid fibers. The fibers have a lower shear force and durability than steel. The strands are spread apart in a transitional zone. Each of the

strands in the transitional zone is inserted into a narrow end of a respective conical hole 4 (Fig. 3d). Each of the strands is fixed in relation to the hole by a hardenable mass 5.

However, Paulshus fails to disclose a wall of the hole 4 having a slip agent applied thereto. Brandestini teaches, in Figures 1 or 2, a slip agent 50 applied to a wall of a respective hole to act as a suitable friction-reducing agent (col. 2, lines 46-56). Therefore, as taught by Brandestini, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a slip agent to the wall of the respective hole to acts as a suitable friction-reducing agent. Applicant should note that the slip agent 50 inherently prevents the hardened mass from adhering to the wall of the respective hole.

Regarding claim 12, the strands are each anchored in respective holes in the receiving body. The holes are arranged in at least one ring around a center of the receiving body.

Regarding claim 13, the respective hole 16 tapers inward in a direction toward the tension member 10.

Allowable Subject Matter

Claim 25 is allowed.

Claims 16-19, 23 and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 14, the prior art of record does not disclose or suggest a termination of strands in a tension member, comprising a first receiving body having a smaller diameter than a ring of conical holes around a center of a second receiving body;

regarding claims 16-19, these claims depend from claim 23;

regarding claim 23, the prior art of record does not disclose or suggest a termination of strands in a tension member, comprising a retention screw extending from a central bore in a second receiving body joined to a first receiving body;

regarding claim 24, the prior art of record does not disclose or suggest a termination of strands in a tension member, comprising a sleeve-shaped tightening screw connected to a second receiving body by a retention screw extending from a central bore in a second receiving body and a nut thereon; and,

regarding claim 25, the prior art of record does not disclose or suggest a termination of strands in a tension member that includes fiber filaments gathered into one or more strands, comprising a first receiving body, having a smaller diameter than a second receiving body, joined to the second receiving body with prestressed bolts which extend through a through bore in the second receiving body and down into a threaded blind hole in the first receiving body.

Response to Arguments

Applicant's arguments filed 04/25/2005 have been fully considered but they are not persuasive.

Applicant has argued that the motivation arising out of the combination is to add a guide bore with Brandestini's features to Flory. In response, applicant is reminded that the motivation has been well established in the rejection, and the reason is different than just adding a guide bore. Further, the reason is given by Brandestini and indicated above. Further, applicant is attacking the references individually, when one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the limitation "a respective conical hole" recited in lines 5-6 of claim 22 necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E.G.

June 30, 2005



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